



# Department of Planning, Housing, & Community Development

**Mayor, Richard C. David**

*Director, Jennie Skeadas-Sherry, AICP*

## Staff Report Series A Site Plan Review

**Planning Commission Date:** September 8, 2014  
**Project Address:** 351 Front Street  
**Applicant:** John Manculich  
**Tax ID Number:** 144.73-1-13  
**Case Number:** 2014-39  
**Zoning:** Service Commercial District(C-1)

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### REVIEW REQUESTED

This application would allow the construction of a 3,000ft<sup>2</sup> addition to an existing 4,972 ft<sup>2</sup> building for heavy vehicle storage and maintenance. As proposed the facility would be active 5 days a week between the hours of 8:00am and 5:00pm. The applicant approximates that 3-5 employees would work at the site daily. No customers will visit the site.

The applicant proposes 5 on-site parking spaces, where 6 are required. This proposal is intended to serve the applicant's existing towing business, immediately across Franklin Street to the south at 339 Front Street.

Additional proposed improvements to the site include the resurfacing of the existing parking area, the installation of new concrete sidewalk, aprons and curbing on the southern side of the property, and landscaping along the eastern property line and a portion of the southern property line.

### Staff Findings & Recommendations

The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.

### Staff Comments:

- The applicant should add curbing to the landscape buffer to the north and east of the paved area to protect the proposed plantings.
- The applicant should request a 20% parking waiver from the Planning Commission to waive the need for 1 parking space, bringing the proposal into compliance with the off-street parking requirement. Staff has determined that the waiver would not have a detrimental impact on the neighborhood, as the applicant is only proposing employing 5 people at the site, thereby necessitating no more than 5 parking spaces.
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### Suggested Conditions:

1. Prior to the submittal of a building permit, a revised site plan shall be submitted to the Planning Department for review and approval which illustrates the location of a privacy fence along the west line subject to the provisions of Zoning Code Section 410-14. The plans shall include specifications

and drawings of the height and materials proposed for the privacy fence.

### ADDITIONAL REVIEWS

The subject site is within the C-1 Service Commercial District. Heavy Vehicle Storage and Maintenance is not a permitted use, and, therefore, a Use Variance is required. The proposal also requires Area Variances for lot coverage, maximum curb opening width, minimum rear setback and minimum side setback.

The proposed project is located in the Local Waterfront Revitalization Program area; review by the Waterfront Advisory Committee ('WAC') is required.

The site plan has been forwarded to the Traffic Board for their comments.

The proposed project is within 500 feet of a Broome County-owned facility, and is therefore subject to 239 distribution and comment by Broome County Department of Economic Development & Planning.

### STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Series A Site Plan application, the Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be

improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.

5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 410-41, and egress and ingress to parking and loading areas are so designed as to minimize the number of curb cuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 410-24 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 410-41. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

#### PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

##### 339 Front Street, 5 & 9 Franklin Street:

- The Zoning Board of Appeals approved a site plan modification request submitted by John Manculich in April of 2000 for an auto repair shop and auto rental facility.
- John Manulich received use and area variances in 1998 to operate an auto repair shop and auto rental facility.
- The Zoning Board of Appeals granted a use variance to Michael Honer in 1996 to allow a tire recycling center.

310 Front Street: March 2012: The Planning Commission granted Andrew Bozek a Special Use Permit and Series A Site Plan Review for an automobile repair shop in a C-1, Service Commercial Zoning District under the following conditions:

307 Front Street: February 2007: The Planning Commission granted Andrew Bozek a Special Use Permit and Series A Site Plan Review for an automobile repair shop in a C-1, Service Commercial Zoning District under the following conditions:

- No outside storage of materials is permitted in the required front and side setback areas.
- No outdoor storage of vehicle parts, waste products, or other materials is permitted unless appropriately screened from view.

- The number of junk vehicles permitted in the open shall not exceed there. Any other junk vehicles must be relocated to a completely enclosed garage or removed from the property.
- No outdoor storage of tires shall be permitted at any time.
- No materials will be stored in the front and side setback areas.
- Site plan 2006-33, dated 11/30/06, and revised on 12/06/2006 by Haas Landscape Architects is the approved site plan.

297 Front Street: December 2007: The Planning Commission granted Theo Totolis for Helen Blakeslee a Special Use Permit to operate an automobile repair/sales business in a C-1, Service Commercial zoning district under the following conditions:

- No materials will be stored in the front and side setback areas
- No vehicle parts, waste products, or other materials will be stored outside unless appropriately screened from view
- No junk vehicles will be permitted in the open
- No tires shall be stored outside at any time
- The existing storage trailer shall be removed from site by March 31, 2008.

#### COMPREHENSIVE PLAN CONSISTENCY

The future land use map in the City's 2014 Comprehensive Plan identifies this site as "general commercial." While this project is inconsistent with that land use classification, the proposed site improvements such as landscaping and a new sidewalk are in line with recommendation 4.6 in the economic development chapter, "Improve the gateways to downtown and the city." This project is located in an area identified in the Plan as a secondary gateway and, as such, the reuse of this site and proposed site improvements have the potential to improve the look and feel of the City as visitors enter it.

#### ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission should be the lead agency to determine any environmental significance related to the site plan review.

1. Motion to determine what type of action:
  - a. Type I
  - b. Type II
  - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. After the Public Hearing, Determination of Significance. The Planning Commission, acting as Lead Agency, is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF)– see below.

**SEQR EAF Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available. When answering the questions the Planning Commission should be guided by the concept "Have our responses been reasonable considering the scale and context of the proposed action?"

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
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Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
Will the proposed action result in a change in the use or intensity of use of land?		
Will the proposed action impair the character or quality of the existing community?		
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
Will the proposed action impact existing:  A. public / private water supplies?  B. public / private wastewater treatment utilities?		
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?		
Will the proposed action create a hazard to environmental resources or human health?		

**EAF Part 3 - Determination of significance.** For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the Planning Commission determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.
- The Planning Commission may issue a Negative Declaration if it is determined that the proposed action will not result in any significant adverse environmental impacts.